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Intellectual Property Department

Fax (650) 522-5575

**Date:** June 29, 2006 **Fax #:** (571) 273-8300

**Deliver to:** Examiner Kailash Srivastava **Company:** Commissioner for Patents  
Group 1655 P.O. Box 1450  
Alexandria, VA 22313-1450

**Subject:** In re application of Becker et al.  
Serial No. 10/798,692  
Filed: March 11, 2004  
Attorney Docket No. 249.P1C2

**From:** Max D. Hensley, Reg. 27,043

**Number of Pages (including cover page):** 5

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Response to Advisory Action with Attachment (1 page)

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE JUN 29 2006

In re PATENT APPLICATION of	)	Group Art Unit: 1655
	)	Attorney Docket No. 249.P1C2
Becker, et al.	)	Examiner: Dr. K. Srivastava
	)	
Serial No: 10/798,692	)	
	)	Customer No. 25000
Filed: March 11, 2004	)	
	)	
Title: PRODRUGS OF PHOSPHONATE	)	
<u>NUCLEOTIDE ANALOGUES</u>	)	

## RESPONSE TO ADVISORY ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants filed a reply to the outstanding Final Rejection on April 13, 2006, and a Notice of Appeal on June 23, 2006. Accordingly, the brief is due August 23, 2006.

The Final Rejection (issued by a different examiner, Ms. Louise Leary) provisionally rejected on double patenting grounds claims 35, 36 and 44-45. Certain of these provisional rejections were indicated to be new grounds of rejection. The Final also contained a new ground of "objection" of claims 38-41 (see page 3 of the Final Rejection).

The Final Rejection appeared to be premature because of the new grounds of rejection, but since the Office's concerns were largely moot, clearly misdirected and/or were readily resolved by amendment, no further action was taken by applicants in that regard. Contrary to Examiner Leary's comment in the Final Rejection, the rejections on new double patenting grounds were not necessitated by applicants' amendment prior to the Final Rejection. The Final Rejection indicated that claims 34, 37, 42, 43, 46 and 47 were allowed.